

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MIGUEL CASTRO,)	CASE NO. C05-886-JLR-MAT
)	
Petitioner,)	
)	
v.)	ORDER OF TRANSFER TO THE
)	UNITED STATES COURT OF
ALBERTO GONZALES, <i>et al.</i> ,)	APPEALS FOR THE NINTH CIRCUIT
)	AS A PETITION FOR REVIEW
Respondents.)	
_____)	

The Court, having reviewed petitioner's 28 U.S.C. § 2241 petition (Dkt. #1), all papers and exhibits in support and in opposition to that petition, the Report and Recommendation of the Honorable Mary Alice Theiler, United States Magistrate Judge, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation.
- (2) This Court is without jurisdiction to consider petitioner's challenge to his removal order. Accordingly, this action is hereby TRANSFERRED to the United States Court of Appeals for the Ninth Circuit as a Petition For Review pursuant to § 106(c) of the REAL ID Act of 2005, Pub. L. No. 109-13, 119 Stat. 231.
- (3) Respondents are temporarily enjoined from removing petitioners from the United States pending further order of the United States Court of Appeals for the Ninth Circuit.

01 (4) The Clerk is directed to TERMINATE this case and TRANSFER all pleadings
02 and related documents to the Ninth Circuit Court of Appeals. The Clerk shall,
03 however, retain a copy of the Court's electronic file. The Clerk is further
04 directed to send copies of this Order to all counsel of record, and to Judge
05 Theiler.

06 DATED this 30th day of July, 2005.

07 s/James L. Robart

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09 JAMES L. ROBART
10 United States Magistrate Judge
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